

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 0000055065	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/012512	International filing date (day/month/year) 05.11.2004	Priority date (day/month/year) 10.11.2003	
International Patent Classification (IPC) or national classification and IPC C10G70/06, C10L3/10, B01 D53/14			
Applicant BASF Aktiengesellschaft			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>3</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____ , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input checked="" type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012512

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages 1-9 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19 25.06.2005 with
telefax

nos.* 1-11 received by this Authority on _____

nos.* _____ received by this Authority on _____

the drawings:

sheets 1/2, 2/2 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____

the claims, nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012512Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	4, 5	YES
	Claims	1-3, 6-11	NO
Inventive step (IS)	Claims		YES
	Claims	1-11	NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. This report makes reference to the following documents:

D1: US-A-4 853 012

D2: US-A-4498 911

D3: US-A-5 853 680

2. The subject matter of claims 1, 2 and 5 to 10 is not novel within the meaning of PCT Article 33(2).

D1 (see the relevant passages cited in the search report) discloses a method of removing hydrogen sulphides **and/or** carbon dioxide, sulphur components from raw gases using absorption agents, regenerating this absorption agent in the presence of heat exchangers and obtaining an acid gas stream. The molar percentage of H₂S must therefore be 0 to 100 mol%. The pressure of the acid gas stream must be between 1 and **5** bar (column 3, lines 53-56). The absorption agent consists of aqueous solutions which contain alkanolamines. The disclosure of D1 is therefore prejudicial to the novelty of the subject matter of claims 1 to 3 and

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

6 to 11 of the present application.

The combination of features in dependent claims 4 and 5 is not known from the available prior art because D1 does not disclose the solvent according to claim 4 and the aqueous solution.

3. The subject matter of claims 4 and 5 does not involve an inventive step within the meaning of PCT Article 33(2).

The subject matter of claims 3 and 4 differs from the method disclosed in D1 by the absorption agent. However, a person skilled in the art is familiar with the absorption agent defined in claims 3 and 4 from D2 and D3. The alternatives in claims 3 and 4 are merely obvious possibilities from which a person skilled in the art would select according to the circumstances, without thereby being inventive. For these reasons, the subject matter of claims 3 and 4 cannot be regarded as inventive (PCT Article 33(3)).

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Box No. VI Certain documents cited			
1. Certain published documents (Rule 70.10)			
Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO 2004/085036 A	07.10.2004	24.03.2004	26.03.2003
WO 03/092862 A	13.11.2003	02.04.2003	03.05.2003
WO 2004/071624 A	26.08.2004	24.01.2004	14.02.2003
WO 2004/082809 A	30.09.2004	27.02.2004	27.03.2003
2. Non-written disclosures (Rule 70.9)			
Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)	

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 to D3 or indicate the relevant prior art disclosed therein.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: I

Basis of the report

1. The claims 1 to 11 submitted with the fax of 25 June 2005 meet the requirements of PCT Article 34 (2) (b) :

Claim 1 corresponds to the originally submitted claim 1. The new claim 2 is supported by the description, page 6, lines 38-39. Claims 3 to 11 correspond to the originally submitted claims 2 to 10.